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In re Application of
BOHM, Christer *et al*
U.S. Application No.: 09/581,776
PCT No.: PCT/SE98/02360
Int. Filing Date: 17 December 1998
Priority Date: 18 December 1997
Attorney Docket No.: AB-1006 US
For: METHOD AND APPARATUS FOR
SWITCHING DATA

DECISION

UNDER

37 CFR 1.47(a)

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" submitted 22 August 2001.

BACKGROUND

On 15 May 2001, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed because applicants failed to meet the requirements of item (2).

On 22 August 2001, applicants filed the instant renewed petition which was accompanied by: a "Declaration of Joakim P.M. Wihlsson;" a copy of a letter mailed to Mr. Disen dated 01 August 2000; a copy of an e-mail message sent by Mr. Disen on 03 August 2001; a "Declaration of Roland Johansson" ("Johansson Decl."); and a "Declaration of Torbjörn Lindmark in Support of Renewed Petition Under 37 CFR 1.47(a) in Connection With an Inventor Who Refuses to Sign the Declaration."

DISCUSSION

In the original petition filed 13 November 2000, applicants failed to satisfy item (2) of 37 CFR 1.47(a). Applicants did not provide enough information about Mr. Disen's alleged refusal, or state any reason (if known) that Mr. Disen has for refusing to sign the application. In addition, a declaration by Mr. Lindmark pertaining to the nonsigning inventor's express refusal was required. Applicants also did not show that Mr. Disen received a complete copy of the above-captioned application including the specification, claims. All other items of 37 CFR 1.47(a) were satisfied in the initial petition.

In the instant renewed petition, applicants included a declaration by Mr. Lindmark who states in paragraph two that "[a]t the phone call I had with Mr. Diesen [*sic*], I was informed by Mr. Disen that he was reluctant to sign the declaration and that he would contact his union official. Shortly thereafter his union official contacted me via

telephone and explained that Mr. Disen did not want to sign any declaration. The explanation offered was that the parties had agreed on the termination of Mr. Disen's employment (in 1999) and that Mr. Disen therefore did not consider himself to have any obligations to assist Net Insight in this matter."

Mr. Roland Johansson in his declaration states that on 05 March 2001, he sent "a copy of the above-referenced application including specification, claims and drawings, a declaration for patent application, together with an assignment to Net Insight AB of all Mr. Disen's interest in the invention described and claimed in the above-referenced application" to Mr. Disen. Johansson Decl. ¶ 1. Mr. Johansson claims that he attempted to reach an agreement with Mr. Disen's representative "on or about May 1, 2001," *Id.* at ¶ 2, but that "Mr. Disen's representatives set terms on Mr. Disen's cooperation which are unacceptable to my company, Net Insight AB." *Id.* at ¶ 3. Finally, Mr. Johansson declares that "Net Insight AB, has instructed me to cease negotiating with Mr. Disen about obtaining his signature on the declaration." *Id.* at ¶ 4.

Applicants also included a copy of a letter sent to Mr. Disen dated 01 August 2001 and a copy of an e-mail reply from Mr. Disen dated 03 August 2001 requesting that Net Insight AB talk to Pia Sundberg.

The information provided in the renewed petition is sufficient to satisfy item (2) of 37 CFR 1.47(a). Therefore, all the requirements of 37 CFR 1.47(a) are now complete.

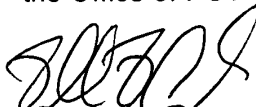
CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 17 December 1998 under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **13 November 2000**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


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